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## Cleaning Up Our Toxic River

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### DEQ: "LEAVE THE DRIVING TO US"

*Unsafe levels of toxic chemicals lie along the bottom of the Willamette River downstream of Oregon City. DEQ is proposing to lead the clean-up of the most industrialized section (6 miles between Swan and Sauvie Islands), called the Portland Harbor, in order to avoid its designation as a federal Superfund site.*

### Do You Trust DEQ?

**T**o some people, DEQ is the agency that requires emission testing for cars. For others, it represents all that stands between polluters and a clean environment. For yet others, DEQ represents an on-going failure to use federal and state laws to stop pollution and to clean it up. The question is: If you are skeptical of DEQ's commitment to environmental protection and its ability to stand up to polluters, is there anything in the Portland Harbor clean-up report that should convince you that DEQ can do the job? Let's take a look.

DEQ Track Record	The DEQ Report
DEQ has a <b>history of management failures</b> including not producing the water pollution clean-up plans required by the Clean Water Act despite budget increases.	The report simply states DEQ can manage a large project such as the Portland Harbor clean-up but it is too sketchy to create confidence in DEQ's management capability.
DEQ has <b>failed to use the Clean Water Act</b> to clean up Oregon's water pollution despite lawsuits in 1986 and 1994 and legal requirements to make water safe for swimming, fishing, and wildlife.	The report does not explain if or how the Clean Water Act will be used to make sure that Harbor clean-up protects the environment. Instead the report states DEQ will not remedy river-wide toxic levels.
DEQ has been <b>unwilling to enforce pollution laws</b> against polluters. Because of DEQ's failure to act, Northwest Environmental Advocates has had to file lawsuits to obtain: <ul style="list-style-type: none"> <li>• an end to raw sewage discharges from the City of Portland,</li> <li>• clean-up of toxic sediments in the Columbia Slough, and</li> <li>• plans to clean up Oregon's polluted rivers.</li> </ul>	DEQ claims it will use its enforcement powers to provide assurances the Portland Harbor will be cleaned up but its plan merely recites its legal authority and does not include: <ul style="list-style-type: none"> <li>• triggers for enforcement,</li> <li>• an unwavering commitment to enforce, and</li> <li>• a time frame in which it will take enforcement action.</li> </ul>

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DEQ Track Record	The DEQ Report
<p>DEQ <b>lacks the political backbone</b> to stand up to political powers such as the City of Portland, the Port of Portland, big industry, and companies that pollute Oregon's rivers from logging, mining, grazing, and farming.</p>	<p>The report was created by DEQ and the Portland Harbor Group—industries, the City, and the Port. Oregon is using all of its political clout to keep control of this program to meet the needs of industry, not the public.</p>
<p>DEQ <b>waits until the last minute</b> to address pollution issues. We have known for years that toxic pollution is hurting wildlife in the Columbia and Willamette Rivers but DEQ has taken no action and has put the Willamette at the end of its priorities.</p>	<p>DEQ's claims that it is working hard to address toxic contamination ring hollow. The DEQ report perpetuates business as usual by making no commitments to use federal pollution laws to clean-up the Willamette and Columbia Rivers and change current priorities.</p>
<p>DEQ claims it is interested in what the public has to say but it <b>pays more attention to what industry wants</b> and provides lip service to public involvement.</p>	<p>DEQ's report is the product of collaboration with the Portland Harbor Group and other agencies. Environmental organizations were excluded from these decision-making meetings.</p>
<p>DEQ has created internal rules in order to <b>avoid having to use the Clean Water Act to clean up contaminated sediments</b> it knows are at unsafe levels.</p>	<p>DEQ's report claims it wants to integrate the Clean Water Act in the Portland Harbor clean-up but does not commit to revising the rules it has used to avoid this in the past.</p>
<p>DEQ has known how toxic chemicals are hurting birds, mammals, and fish in the Columbia River Estuary for years and <b>has done nothing to try to clean up the pollution.</b></p>	<p>DEQ's report does not make a commitment to change its history of neglect of public health, fish, and wildlife downstream of the Portland Harbor.</p>
<p>When DEQ studied the health of fish in the Willamette, it <b>failed to collect information to determine why fish are deformed.</b> Consequently it cannot use federal pollution laws to remedy the problem.</p>	<p>While DEQ's report claims it offers an integrated approach to the Willamette, it focuses on finding only the dirtiest sites rather than assessing the need to clean up the entire Lower River.</p>

## "Leave the Driving To Us"

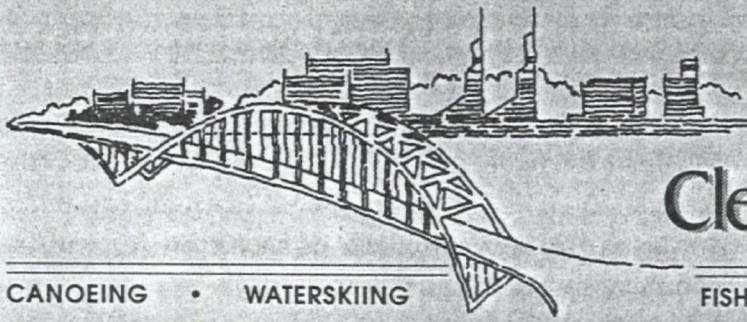
DEQ has a poor track record of managing large, complicated programs, enforcing federal laws against polluters, and standing up to big industry. Now, because it serves the political needs of the Port of Portland, the Governor, and industry, DEQ wants to avoid a Superfund designation of the Portland Harbor. It has prepared a report that purports to be a plan but that says very little and makes few commitments. This report evokes no confidence in DEQ's ability to protect human health and the environment as the leader of the Portland Harbor clean-up.

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# THE CLEAN-UP PROCESS & COSTS

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### DEQ's Vague Plan

The process of cleaning up a site contaminated with toxic chemicals takes many years. In some cases it can take decades. DEQ may have underestimated the complexity of the Portland Harbor clean-up and its associated costs as it proposes to lead remediation efforts of at least 17 specific contamination sites.

DEQ's report on its approach is vague on how the agency plans to pay for the study and clean-up. In theory, the responsible parties will cover most of the costs, including the cost of DEQ's oversight. The report does not include assurances that the responsible parties will pay the full amount estimated for the river-wide assessment. It does not address what will happen if costs rise.

Costs for the clean-up cannot even be approximated because DEQ does not know the full extent of the toxic contamination. Its report allows for the use of up to \$1 million of the state's Orphan Site Account funds. If costs incurred by DEQ exceed that \$1 million, then the agency will delay clean-up efforts at other sites in the state until more funds can be secured. DEQ needs to commit more financial resources to the Portland Harbor clean-up to prepare for potential problems, and have contingency plans to ensure there are no delays in the clean-up process.

DEQ's report is similarly vague about the funds it would provide to ensure technical assistance to the public. These funds, such as are available under the federal Superfund

program, are necessary to help the community understand the technical issues throughout the clean-up process. Since there are so many sites involved over such a long period of time, and the issues are so complex, DEQ needs to commit sufficient financial resources for the project.

DEQ's report leaves too many unanswered questions about who is going to pay to study and clean up the Portland Harbor and the Lower Willamette River. DEQ has not provided assurances that these costs will be covered by the parties that are legally responsible for the toxic contamination.

### What Will the DEQ Approach Cost?

- The development of DEQ's report was funded by the Portland Harbor Group, a group of local businesses and local agencies that operate in the Portland Harbor. It cost \$0.5 million.
- The cost of evaluating the 26 miles of the Lower Willamette River and assessing the extent of the contamination in the 6-mile stretch of the Willamette River referred to as the Portland Harbor is estimated at \$2.2 - 3.8 million, excluding DEQ oversight costs. However, this assumes that DEQ will only look for relatively clean sites (to determine what a clean site looks like) and relatively contaminated sites (in an attempt to locate other sources that will help pay for the clean-up).



- Overall, implementation of the report is expected to cost an estimated \$3 - 5 million with \$1 million coming from the Orphan Site Account and the rest coming from the responsible parties in the Portland Harbor. This does not include the cost of clean-up.
- The Orphan Site Account has approximately \$6 - 8 million available state-wide per biennium for cleaning up contaminated wastes where there is no responsible party or the responsible party is unwilling to pay.
- DEQ's report says it may be able to obtain additional funding resources from the Army Corps of Engineers and other sources but this section is vague, incomplete, and unrealistic.
- Site-specific clean-up projects, including DEQ's oversight costs, will be paid for by the responsible parties.

## Contamination Response Process

The following process is applicable to both specific contaminated sites and the broader river area.

1. A contaminated site is brought to the attention of DEQ.
2. "Site Discovery" — identifying and documenting releases of hazardous substances to the environment.
3. "Site Assessment" — reviewing all the data on the site acquired in the Site Discovery stage to prepare a clean-up strategy recommendation, including establishing priorities for further action.
4. "Removal Action" — can occur at any time during the process and consists of immediate measures to control sources of contamination or protect the community from the site.
5. "Remedial Investigation" (RI) — identifying the full extent and nature of the contamination at the site and involves conducting a risk assessment.
6. "Feasibility Study" (FS) — investigating and evaluating possible remediation strategies for their feasibility and ability to meet the clean-up objectives.

7. "Record of Decision" (ROD) — DEQ selects the remediation strategy for the site based on the feasibility study and issues a Record of Decision for public comment before the final draft.

8. "Remedial Design/Remedial Action" — once a Record of Decision has been finalized, the remediation implementation stage begins.

## Concluding Questions

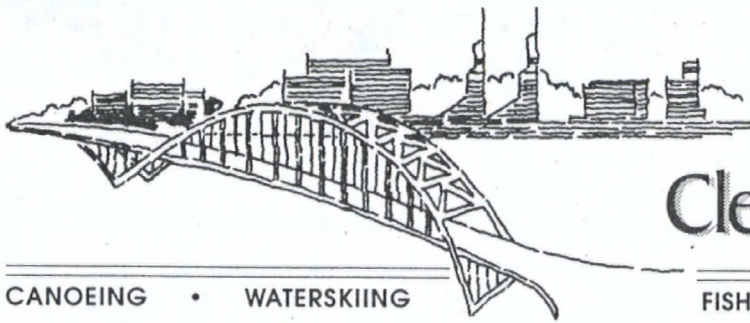
- Who will pay for the Portland Harbor clean-up as proposed in the report? Why should we trust that the "responsible parties" will pay for everything? Will it be Oregon taxpayers if DEQ cannot get the responsible parties to pay?
- Is DEQ financially prepared to implement the proposal outlined in the report? It is impossible to tell because DEQ has left many parts of its funding strategy vague.
- Is DEQ ready to provide technical assistance to the community? DEQ wants you to think so, but it has not provided any details.
- Does DEQ's report provide any assurances that where costs are an issue, and private companies are paying the bills, that corners will not be cut?
- Since the full extent of toxic contamination is not yet known, isn't it short sighted to forgo the resources of the Superfund program?

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# AN OVERVIEW OF THE CLEAN-UP REPORT

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## Introduction

The Portland Harbor Sediment Management Plan is designed to develop a framework for the State of Oregon's Department of Environmental Quality (DEQ) to clean up sediment contamination in a section of the Willamette River known as the Portland Harbor. In the fall of 1997, DEQ and the U.S. Environmental Protection Agency (EPA) studied levels of toxic contaminants in the Portland Harbor. Based on the results, which were released in 1998, EPA has proposed the Portland Harbor be considered for listing as a Superfund Site. DEQ requested that EPA delay its decision on listing the Portland Harbor for six months in order to develop a state-led plan to avoid listing the harbor as a Superfund site.

The Portland Harbor consists of a 6-mile stretch of the Willamette River from approximately Swan Island to Sauvie Island. DEQ has prepared a report to demonstrate why EPA should allow the state to handle the study and clean up of the harbor area. The report also makes references to work that DEQ would do elsewhere in the 26 miles of the Lower Willamette River downstream of Oregon City to its confluence with the Columbia River. (The report refers to this larger area of the river as "harbor-wide.") DEQ, the Portland Harbor Group, and other agencies developed the report. The Portland Harbor Group has 10 entities, including the City of Portland, the Port of Portland, and businesses that own or conduct business in the 6-mile area.

A draft version of the Report was released on April 19, 1999 and is open for public comment until May 19, 1999. On June 29, 1999 a Regional Decision Team will review the report and determine whether the Portland Harbor should be listed as a Superfund site or the state should be allowed to manage the study and clean-up process.

## The Report

DEQ's report has three major components to address toxic contamination in the Portland Harbor:

1. DEQ oversight of at least 17 sites along the river where toxic contamination is known to exist. DEQ will work with the "responsible parties"—property owners who are responsible for the contamination at their property site—to develop plans to clean up these sites.
2. DEQ will assess toxic contamination in the sediment of the 26 miles of the Lower Willamette River from Oregon City to the confluence with the Columbia River.
3. DEQ will conduct a series of research activities, not specific to any one site or clean-up but crucial to implementing the Report. These activities include:
  - Developing sediment quality guidelines since none exist. These guidelines will be used to decide how clean to get the Portland Harbor.



- Selecting "reference sites"—sites that may represent "natural" areas or areas not influenced by contamination from the Portland Harbor industries—to be used for comparison purposes in analyzing the toxic contamination data.
- Developing "human and wildlife target tissue levels"—to identify how much toxic contamination is acceptable in fish tissue to protect people and wildlife if the fish are eaten.
- Developing "fish tissue screening concentrations"—to identify a safe level of toxic contamination allowed in fish tissue to protect the health of "most" fish.
- Developing a "harbor-wide biota-sediment bioaccumulation function"—to relate sediment toxic contamination levels to tissue toxic contamination levels for bioaccumulating contaminants. "Bioaccumulating contaminants" are chemicals that build up in the tissue of living organisms and move up the food chain.

All these guidelines will be used to determine the risk posed to human health, wildlife, and fish from toxic chemicals. The report contains few details about how these guidelines will be developed, to what degree the public will be allowed to participate in their development, and what kind of information will be used to ensure that the guidelines protect human health and the environment now and in the future.

## Superfund or DEQ's Approach?

From DEQ's perspective, the advantages of its approach to cleaning up the Portland Harbor include:

- Building on existing DEQ work.
- Keeping the project under "local control."
- Achieving the same or better environmental results as Superfund listing.
- Moving faster to assess the contamination and carry out needed actions to protect the environment and human health.

- Using Oregon clean-up laws that cover petroleum products
- Avoiding EPA leadership that may be less open to involvement by local industry and local agencies.

The advantages of EPA's use of Superfund resources to clean up the Portland Harbor include:

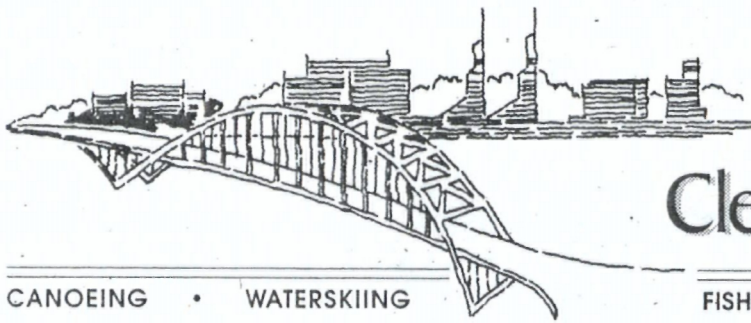
- Building on existing work by DEQ and other state and federal agencies.
- Oversight of the project by an agency that is not influenced by local politics or industry.
- The same or better environmental results, including using the Clean Water Act to protect the Columbia River Estuary from toxic chemicals.
- Greater legal protection for the environment from the damaging effects of dredging.
- EPA's greater experience in managing and cleaning up large and complex toxic waste sites.
- Better mechanisms to involve federal fish and wildlife agencies and to learn from scientists across the country.
- The use of federal funds to pay for the cost of cleaning of the Portland Harbor.
- Better coordination with agencies in charge of protecting species on the verge of extinction, such as Willamette and Columbia River salmon and steelhead.

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### PUBLIC INVOLVEMENT

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#### The Past

The Oregon Department of Environmental Quality (DEQ) has developed a report to avoid a Superfund listing of the Willamette River. DEQ prepared the report with a group of private and public entities, known as the Portland Harbor Group, that own or conduct business in the Portland Harbor, as well as other federal and state agencies. Environmental groups and representatives of the public were excluded from the work groups where the proposal was developed. Although DEQ held a series of meetings with a variety of interested groups, many of their criticisms and concerns were not reflected in the report.

In addition, DEQ takes the position that the only truly affected citizens are those who live immediately adjacent to the 6-mile stretch of the river between Swan Island and Sauvie Island. DEQ believes that other people, who they consider less directly affected, do not need to have as much of a voice in this process. That includes river users and concerned citizens throughout Portland and people who live downstream along the Multnomah Channel and the Columbia River, to say nothing of people who live across the river in Washington State.

#### The Present

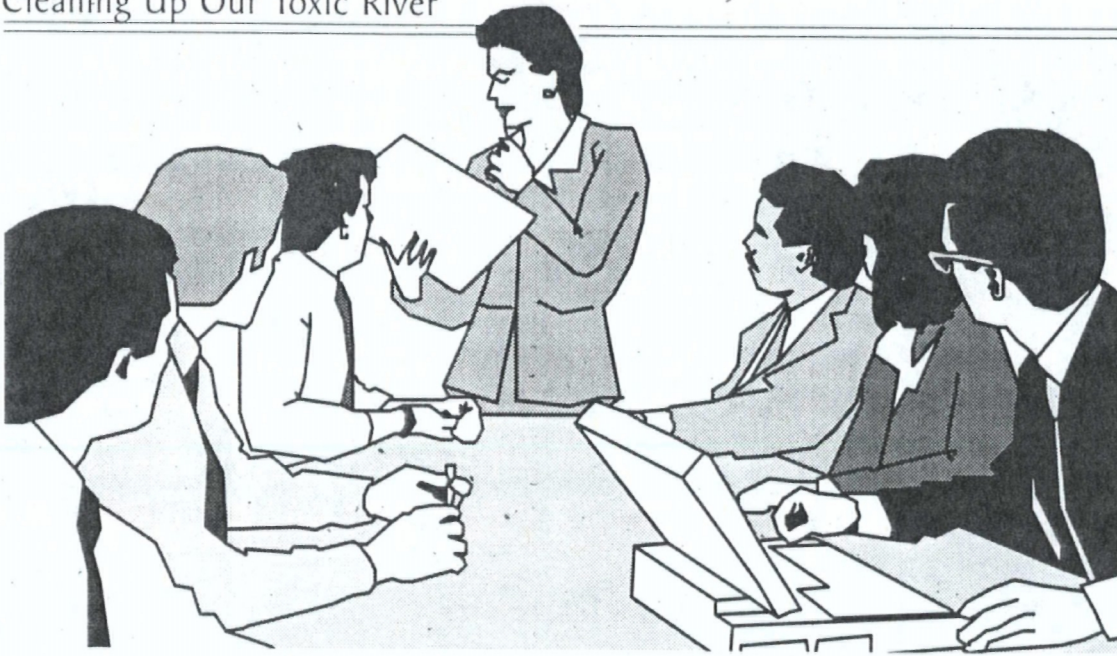
DEQ released a draft version of the report on April 19, 1999 and is accepting public comment through May 19, 1999. DEQ plans to incorporate public comments into the plan before the final draft is submitted to the EPA for a decision on June 29, 1999. DEQ takes credit for providing a \$10,000 grant to a community group to ensure technical review and to facilitate public outreach on the report, but it gave the group less than a week to review the proposal.

In Appendix I, the "Community Relations Plan," DEQ describes how it will involve the public during the study process. Public comments received during the current comment period will be incorporated into a new appendix of the report, Appendix J. DEQ has not stated whether or how it will actually change the substance of its report in response to public comments. DEQ has said it will not change the heart of its proposal—the description of how sediment contamination will be evaluated—that is presented in Appendix G.

#### Future Steps      DEQ's report proposes public involvement including:

- Fact sheets and other materials to educate the public on the plan's activities and progress.
- A mailing list of community members and interested parties for notification about meetings, news releases, and other information.
- Public meetings, open houses, technical forums, etc., related to the plan and its implementation.
- Updates on DEQ's web page for the project: ([www.deq.state.or.us/wmc/cleanup/PortlandHarbor/portlandharbor.htm](http://www.deq.state.or.us/wmc/cleanup/PortlandHarbor/portlandharbor.htm))
- Assignment of a Community Relations Coordinator for public involvement activities.





- The report says the public will be allowed to comment on future documents but it provides no details on what documents and how. Specifically, it does not state whether the public will have a voice in developing the decision-making tools—sediment quality guidelines, the target tissue levels, and fish screening concentrations—which are so critical in guiding the clean-up.

## The Future

DEQ's report proposes a vague public involvement plan with many weaknesses.

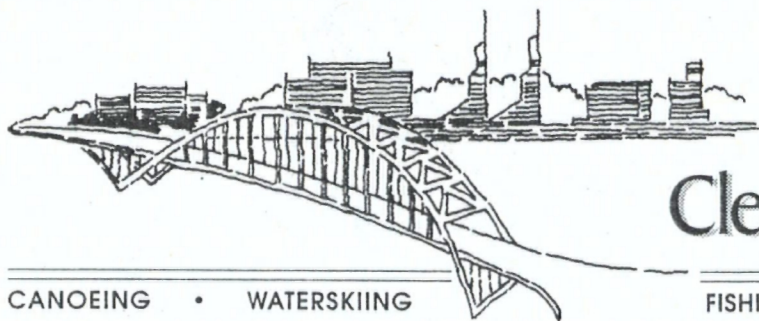
- Mirroring Superfund's financial support for citizens, DEQ proposes to make funds available for technical assistance. A grant would allow community groups to hire technical advisors to interpret the details of future work documents and materials. DEQ's report is short on details about the amount of resources and the duration of funding.
- The schedule for implementing the community relations plan ends in September 1999. There is no description of what, if any, public involvement will occur for the *entire duration* of the plan's implementation.
- DEQ's report proposes so-called "community interviews" for June 1999, but does not explain their purpose or why they will take place after the public comment period is closed.

- The plan does not commit to allowing public and environmental representatives to participate in negotiations where such decisions are made. Without this, work plans will be prepared, work will go forward, and decisions will be made, which DEQ will be unwilling or unable to change in response to comments. True public involvement means early, full, and meaningful participation.
- The report does not state whether there will be additional opportunities for the public to comment on the current plan if EPA gives its go-ahead to DEQ in June.
- The report does not clearly describe how DEQ will respond to community concerns throughout the project.

In conclusion, the community relations plan is vague and open to various interpretations, demonstrating DEQ's lack of commitment to involving the public in the clean-up process.







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# PORTLAND HARBOR & YOUR HEALTH

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## Why Care About Toxics?

For decades, many of the toxic chemicals found along the bottom of the Willamette River have been known to cause cancer in people and thinned eggshells in birds. Now we know toxic chemicals cause a wide range of other diseases and health effects to people, fish, and wildlife. Known as "environmental estrogens" and "endocrine disrupters," many toxic chemicals have the following impacts:

- Reduced immunity to fight disease.
- Permanent brain damage including decreased intelligence, motor skills, and memory, and increased aggressive behavior.
- Abnormally small penis size in animals, reduced testicle size in men.
- Abnormal sexual development and sexual behavior, altered sex hormones, and hermaphroditism, such as male fish with eggs.
- Reduced male fertility due to lowered sperm counts.
- Abnormally early onset of puberty in girls.
- Genetic changes in DNA structure that lead to liver cancer.
- Birth defects including children born without brains.
- Shorter menstrual cycles, delays in time to pregnancy.

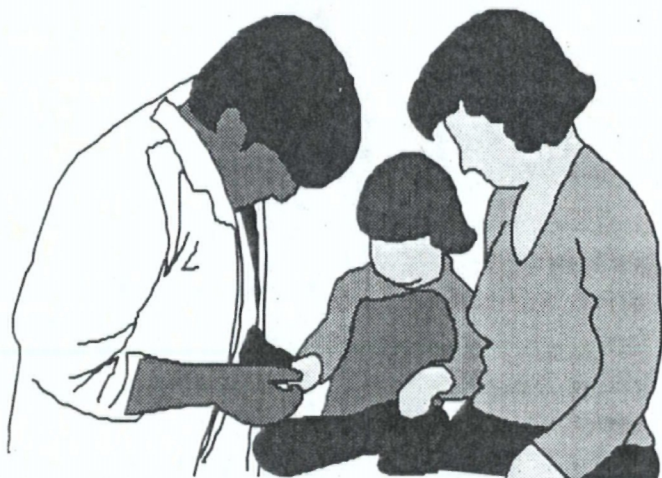
## Are Current Laws Protecting Us?

The simple answer is "no." Not only are government agencies such as the Oregon Department of Environmental Quality (DEQ) failing to enforce pollution laws that were passed over 25 years ago, but they do not use current information on the negative health effects of toxic chemicals. For example, Oregon's standards for water quality do not protect us from the types of health effects listed above, but instead focus on preventing cancers. Oregon's standards do not address the effects of toxic chemicals on fish-eating birds and mammals, despite evidence in the Columbia River Estuary that pollution is causing reproductive failure in bald eagles and sexual abnormalities in river otter.

## Toxics & Endangered Species

Until recently, most studies on toxic chemicals and fish focused on what levels of chemicals caused death. Now, studies in Puget Sound show that when juvenile salmon are exposed for even short times to contaminated sediments, their migration and swimming behavior is impaired in ways that prevent fish from reaching the ocean or returning to their spawning beds. Fish also lose their immunity to disease when exposed to toxic chemicals. Certain pesticides can cause abnormal sexual development, preventing fish from reproducing. For example, toxic chemicals have caused male trout with feminine traits in British Columbia and female fish with male sex organs in Florida. A recent study found a pesticide that prevents Atlantic salmon from making the transition from freshwater to saltwater fish.





## Our Children's Health

Children and developing fetuses are particularly at risk from toxic chemicals. In fact, health effects are often manifested in the young of species in ways that do not appear in their parents. These effects include children who are less able to fight disease, and have impaired brain function, reproductive tracts deformities, or hormonal alterations. Some of these effects have been measured in studies of pregnant and nursing mothers who ate contaminated fish.

## The Portland Harbor Clean-Up

Before DEQ or the EPA can determine how to clean up the toxic pollution in the Willamette, studies must determine where the pollution is, who is responsible for it, how it is moving in the river, and what risks it poses to human health and wildlife. Without outside pressure, government agencies are not likely to use the new information on the effects of toxic chemicals to determine how clean to make the Willamette because it will make the job more controversial and might require more expensive solutions. Whether EPA or DEQ leads the Portland Harbor clean-up, public participation will be key to ensuring that levels of toxic pollution are reduced sufficiently to protect the health of fish, wildlife, and people.

## How Safe is Safe?

Nobody knows exactly what risks are posed by the toxic wastes at the bottom of the Willamette. The Portland Harbor clean-up study must determine those risks in order to decide how clean to make the Willamette River. The federal Superfund program and current Oregon law (for which there are proposals to weaken in 1999) require that toxic levels protect people from cancer such that not more than one person out of a million people exposed to those levels would be likely to contract cancer from the exposure. DEQ proposes to evaluate how many people, birds, and animals eat fish from the Harbor as part of the study. DEQ believes that the fewer the people who eat fish and the fewer the birds and mammals in the area, the higher the levels of toxic chemicals can be allowed to remain in the Willamette.

## Conclusions

- Current information on the health impacts of toxic chemicals beyond the risk of cancer must be used to ensure that actions protect our native species and future generations.
- Safe levels of chemicals should be determined regardless of how many people, birds, fish, and animals are present in the Harbor.
- Birds, fish, and animals that eat fish almost exclusively—such as bald eagles, great blue herons, river otter, mink—must be fully protected
- Government agencies often will not do the right thing without the advocacy of concerned citizens.

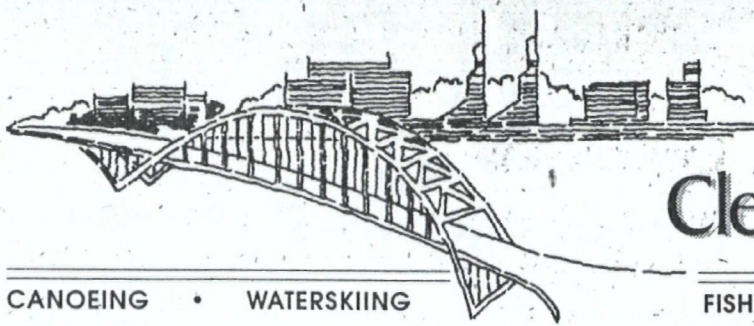
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# PORTLAND HARBOR & WATER QUALITY

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## Toxics on the River Bottom

Unlike some kinds of pollution that simply wash away, toxic chemicals often attach themselves to small particles of soil at the bottoms of rivers. These contaminated sediments move downstream, accumulating in areas where water flows are slowed and where beaches form. They move more quickly when storms and waves from ships, dredging, and construction work flush them out. On the river bottom, the contaminated sediments are eaten by bottom-dwelling fish such as carp and sturgeon. They are also consumed by small river-bottom insects that are food for fish which, in turn, are caught by people, birds, and animals such as mink, otter, and seals.

## Cleaning Up Polluted Waters

The Clean Water Act requires the Oregon Department of Environmental Quality (DEQ) to clean up all of Oregon's contaminated rivers, streams, and lakes. Sued by Northwest Environmental Advocates after 25 years of failing to follow the law, the DEQ has prepared a ten-year schedule to clean up all of the state's polluted waters. Unbelievably, DEQ has put the Willamette River at the end of this schedule. Without these Clean Water Act clean-up plans, DEQ will not know the degree to which contaminated sediments in the Portland Harbor must be cleaned up to protect water quality in the Willamette and Columbia Rivers.

## Oregon's History of Neglect

In recent years, Oregon has launched a number of committees, task forces, reports, and studies to address the Willamette and Columbia Rivers. Despite the talk and expenditure of tax dollars, it has done almost nothing to actually protect and restore the Willamette River. In 1995, a DEQ study showed that 23% of fish at the Newberg Pool had skeletal abnormalities but DEQ chose not take samples to determine which chemicals were causing the fish to be deformed. Now, years later, DEQ still does not know what is causing the deformities, where the pollution comes from, how much pollution is in the river, and what effect it is having on people, fish, and wildlife.

## Toxic Facts

- For years, DEQ has known that the Willamette River has unsafe levels of dioxin, arsenic, chromium, copper, lead, zinc, and DDT. With the partial exception of dioxin, DEQ has taken no steps to reduce these toxic chemicals in the Willamette as required by the Clean Water Act.
- Toxic chemicals have caused severe health impacts to fish and wildlife both upstream and downstream of the Portland Harbor. River otter in the Lower Columbia River have abnormally small penises. Mink in the area have high levels of toxic chemicals in their liver and seem to have all but disappeared. Lower



Columbia bald eagles have suffered reproductive failure. Willamette River fish in the Newberg Pool have skeletal abnormalities.

- DEQ's plan does not consider the need for clean-up of the Portland Harbor to protect the health of people, fish, birds, and mammals downstream in the Lower Columbia River.
- The Multnomah Channel—which runs along the west side of Sauvie Island—has never been studied and, although some scientists believe it may be very contaminated, DEQ has not included it in the Portland Harbor clean-up proposal.
- The DEQ report states that if contamination is found throughout the river that poses risks, it “may” warrant remediation. But, DEQ has already decided to do nothing about river-wide contamination.

## The Portland Harbor Plan

DEQ's report about cleaning up the toxic sediments in the Portland Harbor is vague. The report makes a few references to the Clean Water Act's requirement that unsafe levels of pollution be cleaned up but nowhere does DEQ say it will use this requirement to make the river safe. The DEQ report does not address Portland's contribution of toxic chemicals to the contamination of the Columbia River Estuary downstream. And, while DEQ agrees any contamination it finds outside the 6-mile zone must be addressed, it will not include those areas in this clean-up effort.

## Conclusions

DEQ is largely ignoring the role of the Clean Water Act in cleaning up the Portland Harbor. The result:

- DEQ will avoid cleaning up all parts of the Willamette River with unsafe levels of toxic chemicals.
- DEQ will ignore how the Portland Harbor is contaminating the Columbia River Estuary where toxic chemicals are harming birds and mammals such as the bald eagles and river otter.
- DEQ will not stop pollution before it enters the Willamette.
- Oregon will continue its poor track record of protecting the health of people, birds, fish, and mammals.
- DEQ's report does not establish how it will protect salmon and other species on the verge of extinction from the risks posed by toxic chemicals.

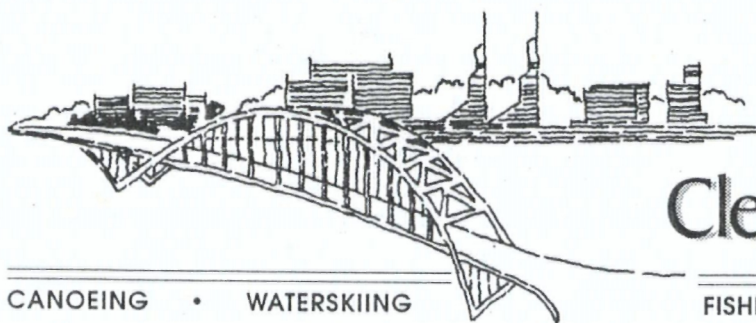


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## Cleaning Up Our Toxic River

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# DREDGING ACTIVITIES & THE PORTLAND HARBOR CLEANUP

*Unsafe levels of toxic chemicals lie along the bottom of the Willamette River downstream of Oregon City. DEQ is proposing to lead the clean-up of the most industrialized section (6 miles between Swan and Sauvie Islands), called the Portland Harbor, in order to avoid its designation as a federal Superfund site.*

## Why Is the River Dredged?

One hundred years ago, the Willamette River was 20 feet deep. Over the course of this century, dredging has deepened the river's channel to 40 feet in an on-going battle against the estimated 1.7 million cubic yards of suspended sediment carried by the river annually. About 80% of sediments in the water are fine silt and clay particles; the rest is sand. Some of these sediments are deposited along the river bottom while others continue on to the Columbia River where they are deposited throughout the Columbia River Estuary.

Every 2-5 years, the Army Corps of Engineers dredges the navigation channel in the lower Willamette River to remove the accumulation of sediment on the bottom. This keeps the channel 40 feet deep—deep enough for large shipping vessels to enter the Portland Harbor. Berthing areas—where big ships can pull closer to the river's banks to load and unload cargo—are also routinely dredged to maintain depth. Turning basins, within which wide vessels can turn around, private marinas, and waterfront construction projects also require dredging.

## U. S. Army Corps of Engineers' Channel Deepening Plan

The Port of Portland wants to deepen the navigation channel from 40 feet to 43 feet from the mouth of the Columbia River to the Broadway Bridge, to accommodate larger ships. The proposed channel deepening project would disturb contaminated sediments in the

industrialized section of the Willamette River. Deepening the River would likely increase erosion of shorelines where higher levels of toxic materials tend to be buried.

## Channel Deepening Fast Facts

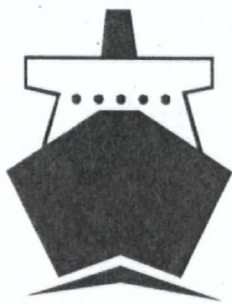
- Cost of entire project: \$175 million.
- Average annual transportation savings resulting from channel deepening: \$39 million.
- Cost of Willamette portion: \$29 million.
- Percent of cost assumed by local sponsors: approximately \$7 million.
- Amount of sediment that would be removed from Willamette River: 800,000 million cubic yards.
- Number of tractor trailers that could fill: 8,000.
- Acres of wetlands to be filled with dredged materials: 38.
- Amount of sediment requiring removal over a 20 year period following deepening: 8 million cubic yards.
- Cost of potential damage to the natural environment and its economic resources: No answer provided by the Corps.



## Dredging & Buried Toxic Materials

When the river bottom is disturbed, as in dredging, sediment and toxic pollution are re-suspended into river water. Dredging also causes sediments to move along the river bottom. The deeper the dredging, the greater the erosion that takes place on the river bottom, from the water's edge to the dredge cuts. This may result in uncovering previously covered toxic wastes.

Clean-up of contaminated sediments in a working harbor requires coordination between clean-up activities, annual channel maintenance dredging projects, and other waterfront construction activities. If not carefully coordinated, these projects conflict with one another and even result in recontamination of already cleaned-up areas.



## What Do We Know About the Contamination?

Studies conducted by DEQ and EPA reveal the presence of over 50 toxic contaminants along a stretch of the lower Willamette, from the Broadway Bridge to its confluence with the Columbia. DEQ has identified 17 industrial sources of high toxic levels. According to the Corps' standards, the sediments removed from the Willamette's navigation channel have always tested clean for in-river disposal, but the Corps mixes the clean and contaminated parts of dredged material before testing it for contaminants.

## Key Questions Remain

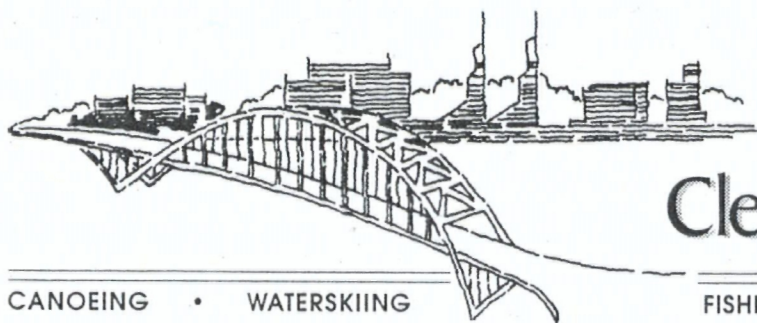
- Considering the increased use of 50 draft vessels in the commercial shipping vessel industry, how much will three more feet really get us? Situated 115 miles inland, Portland will *never* be a deep water port.
- Will DEQ adequately modify proposed dredging projects to meet the increased concerns surrounding toxic sediments? The report offers no assurances except DEQ's word.
- When you combine the 800,000 million cubic yards of dredged material from the initial construction of the deeper channel with all the dredged material from the associated deepening of private berths along the harbor, one must ask, Where will all this material go?
- What happens if the river becomes listed as a federal Superfund site? It is the Corps' policy not to dredge within Superfund sites. If EPA assumes responsibility for the clean-up through its Superfund program, the Corps will back off its plan to deepen the Willamette channel until the area is cleaned up.
- Will the Corps be allowed to deepen the channel before adequate sediment testing and clean-up is done? The report includes the Corps deepening plan with other planned projects that have reached an advanced stage of development. DEQ's end date is 2002, the very same year that construction is to commence on the deepening project.

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## Cleaning Up Our Toxic River

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### THE CRITICAL QUESTIONS

*Unsafe levels of toxic chemicals lie along the bottom of the Willamette River downstream of Oregon City. DEQ is proposing to lead the clean-up of the most industrialized section (6 miles between Swan and Sauvie Islands), called the Portland Harbor, in order to avoid its designation as a federal Superfund site.*

#### What Are You Being Asked?

After years of foot-dragging, state and federal pollution agencies have decided to do something about the unsafe levels of toxic chemicals in the Portland Harbor of the Willamette River. The U.S. Environmental Protection Agency (EPA) wants to turn the river into a Superfund site and use federal resources to clean it up. The Oregon Department of Environmental Quality (DEQ) wants to work with industry to get them to clean it up voluntarily. You are being asked to tell both agencies which approach you want and what you think about DEQ's report.

#### Will DEQ's Proposal Protect the Environment & Human Health?

- DEQ's proposal is really a report, not a plan. It does not make commitments and does not include timelines for decisions. For example, the Plan notes DEQ has enforcement authority, describes its programs, but never establishes when and how it will enforce the law if voluntary approaches fail.
- DEQ's report is based on working cooperatively with industry, the Port of Portland, and the City of Portland. Yet DEQ's desire to get along with polluters is the reason why nothing has been done to clean up the Willamette for so many years. The report does not demonstrate a change in this approach.
- DEQ says its approach offers "coordination and integration" of existing activities and programs but there is little to integrate because DEQ has neither done nor planned much. DEQ does not explain what the work is and how it will use other programs and laws to enhance the clean-up project.
- DEQ wants to keep the clean-up focused on the 6 miles of the Portland Harbor so it will not consider the effects of Harbor toxics on eagles, mink, and otter of the Columbia River Estuary or possible impacts to Multnomah Channel.
- DEQ's testing upstream of the Portland Harbor is intended to find other industries to help pay the bill, not to expand the scope of the clean-up to encompass the entire problem. DEQ will not include other clean-up sites in this project.
- The report does not explain how it will address the needs of fish that have been listed as threatened or endangered under the Endangered Species Act.
- DEQ assumes that people who use the river for boating, recreation, jet skiing, swimming, and wading are at no risk from contact or ingestion of toxic contaminants but provides no factual support for its conclusion.
- The report does not establish how clean-up activities will be coordinated with on-going and new dredging.



- DEQ will not require clean-up of specific sites to levels below current conditions found throughout the river, even if the current conditions are unsafe. How these current conditions are determined could have a significant impact on the clean-up levels required for specific sites.
- The DEQ report states that if contamination is found throughout the river that poses risks, it "may" warrant remediation. But, DEQ has already decided to do nothing about river-wide contamination.



## Would EPA's Superfund Program Do a Better Job?

- EPA does not have the same political need that DEQ does to protect local industry, the City of Portland, and the Port of Portland, making the federal agency a better choice.
- EPA could use the Clean Water Act to determine how much toxic pollution should be allowed into the Columbia River Estuary to determine how much toxic inputs are safe.
- Superfund listing will affect the Port's proposal to deepen the shipping channel of the Willamette. The purpose of the state program is to allow business as usual, ignoring the effects of toxic chemicals and risks to endangered salmon.

## Who Will Really Make Decisions?

- DEQ wants the job of evaluating and cleaning up the toxic chemicals in the Portland Harbor so that the Port of Portland can deepen the shipping channel of the Willamette and Columbia Rivers. This overriding purpose threatens the scientific integrity of the clean-up program.
- DEQ is committed to working "collaboratively" with the polluting industries along the river. These industries will pay the bills and have a big say in the clean-up, compromising DEQ's ability to make sure that the work protects the health of people, fish, and wildlife.

## Will You Have a Say in How the Harbor is Cleaned Up?

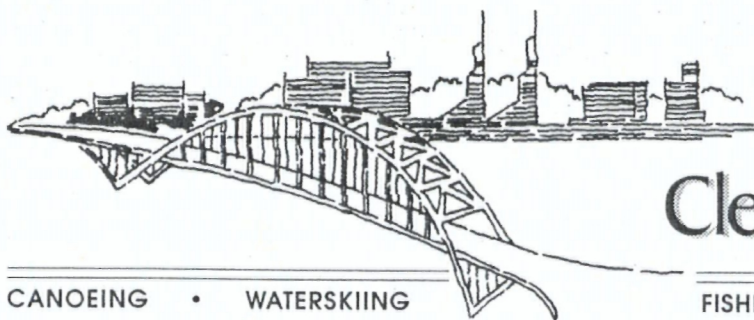
- DEQ prepared its report with industries and other agencies. The report does not demonstrate why we should believe that business interests will not override public interests.
- Public input into the report was an afterthought and public involvement plans are sketchy.
- The federal Superfund program provides funds to ensure that the public has its own technical analysis. DEQ does not provide assurances that sufficient funds will be available to review the enormous technical review effort, which includes at least 17 separate sites along with the River.

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### YOUR COMMENTS ARE NEEDED

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**You're concerned about the Portland Harbor clean-up process.  
Now, it's time to express your opinions. Here are a few tips to get you started ...**

#### Get the report:

"Portland Harbor Sediment Management Plan"

Bill Knight at Oregon DEQ: 503/229-5774

e-mail: [knight.bill@deq.state.or.us](mailto:knight.bill@deq.state.or.us)

[www.deq.state.or.us/wmc/cleanup/PortlandHarbor/portlandharbor.htm](http://www.deq.state.or.us/wmc/cleanup/PortlandHarbor/portlandharbor.htm)

#### Review the Plan, the Executive Summary, and fact sheets prepared by Northwest Environmental Advocates.

Do you understand what DEQ is proposing? Does the proposal make sense? Does it give you confidence that the toxic pollution will be cleaned up? Focus your comments on the following two questions:

1. After reviewing DEQ's report, do you think that DEQ should proceed with a collaborative effort with industry or do you think EPA should designate the Willamette as a Superfund site?
2. What is missing from or wrong with the report?
  - Will the plan adequately protect people, fish, wildlife?
  - Will the study provide the right information to make good decisions?
  - How should DEQ include the public in the work?
  - Does the DEQ approach ensure adequate funding?
  - How will clean-up options be selected?

**On June 29, EPA and a group of agencies called the Regional Decision Team will decide if DEQ's plan is good enough to be a substitute for a Superfund designation. DEQ specifically wants to know what the public wants.**

#### Send your comments to DEQ by May 19 at 5 PM to:

Bill Knight Department of Environmental Quality

811 S.W. Sixth Avenue Portland, OR 97204

FAX: 503/229-6954 e-mail: [knight.bill@deq.state.or.us](mailto:knight.bill@deq.state.or.us)

#### OR, after May 19, send comments to:

Regional Decision Team Attn: Kathleen Stryker

c/o U.S. Environmental Protection Agency

1200 Sixth Avenue Seattle, WA 98101



May 19, 1999

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Dept. of Environmental Quality  
Attn: Bill Knight  
811 SW 6th Avenue  
Portland, OR 97204

Dear Mr. Knight,

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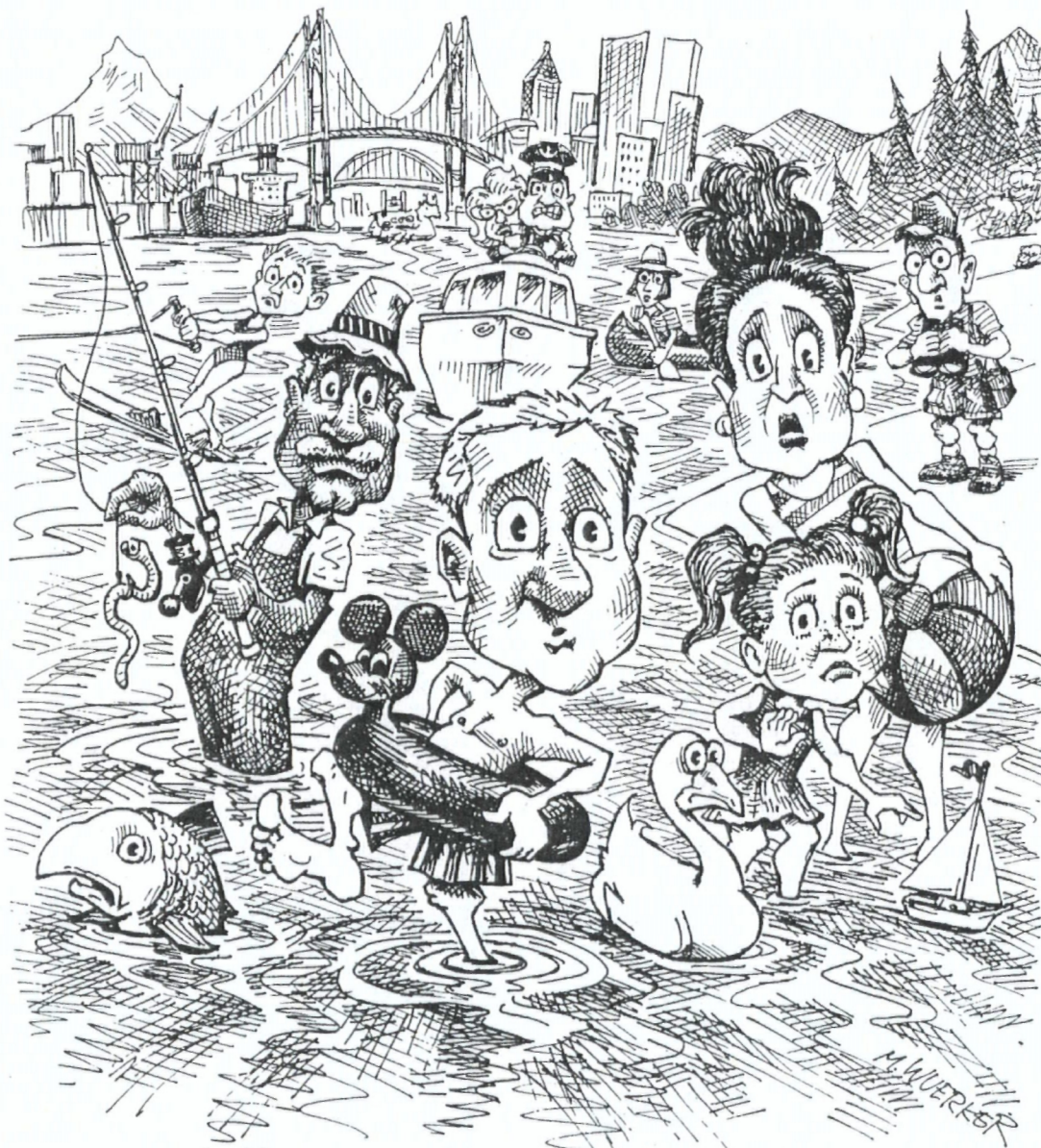
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Sincerely yours,



# The Willamette is Toxic.



## Who will clean it up?

Toxic wastes from Portland industries have dripped and seeped into the Willamette River for decades. Now, the Oregon Department of Environmental

Quality has a plan to clean it up. A plan that counts on the good will of the companies that made the mess.

There's another way to go. The Environmental Protection Agency could clean up the Willamette as a

Superfund site. What do you think? Do you trust DEQ to stand up to the polluters and make the river clean and safe again? Does their plan make sense? *The decision is in your hands.*

...come to a town meeting:

<b>TUESDAY</b>	<b>May 4</b>	<b>7 PM</b>	<b>Cleveland High School</b>	<b>3400 SE 26th</b>
<b>WEDNESDAY</b>	<b>May 5</b>	<b>7 PM</b>	<b>Jackson Middle School</b>	<b>10625 SW 35th</b>
<b>MONDAY</b>	<b>May 10</b>	<b>7 PM</b>	<b>St. Johns Community Center</b>	<b>8427 N Central</b>
<b>THURSDAY</b>	<b>May 13</b>	<b>7 PM</b>	<b>Chapman Elementary School</b>	<b>1445 NW 26th</b>



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**WEDNESDAY May 12, 1999 7-9 PM**  
**Columbia River Maritime Museum 1792 Marine Dr. Astoria**